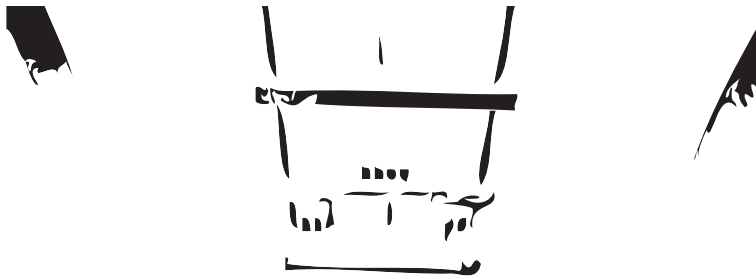


# California Department of Corrections and Rehabilitation

## Expert Panel on Adult Offender and Recidivism Reduction Programming

### Report to the California State Legislature



## A Roadmap for Effective Offender Programming in California





# **California Department of Corrections and Rehabilitation Expert Panel on Adult Offender Reentry and Recidivism Reduction Programs**

Report to the California State Legislature: A Roadmap for  
Effective Offender Programming in California

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*Points of view, recommendations, or findings stated in this document  
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Corrections and Rehabilitation.*

June 29, 2007  
Sacramento, California

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February 1-2, 2007  
Long Beach, California

April 25-27, 2007  
Sacramento, California

### ***Program Review Sub-Committee Meetings***

February 1, 2007  
Long Beach, California

March 29, 2007  
Santa Monica, California

April 16, 2007  
Santa Monica, California

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Sacramento, California

January 25-26, 2007  
Chester, Pennsylvania

March 14, 2007  
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## Program Review Support

The Expert Panel would like to thank these individuals for their invaluable assistance in completing the Nominated Recidivism Reduction Program Inventory and the CPAP Assessments:

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## Executive Summary

Research shows that correctional programs reduce recidivism by changing offender behavior. However, research also shows that to achieve positive outcomes, correctional agencies must provide rehabilitation programs to the appropriate participants in a manner consistent with evidence-based programming design. California has been offering rehabilitation programs to its adult offenders for over 50 years; yet California's adult offender recidivism rate is one of the highest in the nation. Clearly something is wrong. Either something is preventing the programs from achieving their intended effects or something is wrong with the programs themselves.

The Panel believes that both explanations are true. First, a combination of various factors has caused these programs to be less effective than they should be in reducing criminal behavior. These factors, which must be resolved *before* California can have any hope of achieving rehabilitation programming success, include dangerous overcrowding (that makes prisons unsafe and reduces space to run programs) and lack of incentives for offenders to participate in rehabilitation programming. Second, the California Department of Corrections and Rehabilitation (CDCR) does not offer enough quality rehabilitation programs to its adult offenders, and it currently assigns offenders to programming in a way that all but ensures that most offenders will not get to the programs they really need.

### The Panel

The CDCR created the Expert Panel on Adult Offender Reentry and Recidivism Reduction Programs (the Panel) in response to authorization language placed in the Budget Act of 2006-2007. The Legislature directed the CDCR to contract with correctional program experts to complete an assessment of California's adult prison and parole programs designed to reduce recidivism. Additionally, the CDCR tasked the Panel to provide it with recommendations for improving the programming in California's prison and parole system. This Panel of nationally recognized experts in the field of corrections includes experienced correctional agency administrators and leading academic researchers.

### The Roadmap

This *Report to the California State Legislature: A Roadmap for Effective Offender Programming in California* provides an assessment of the state of correctional programming in California's adult prison and parole systems. This report also includes recommendations intended to guide California in creating a model rehabilitation programming *system*. The word *system* is emphasized to underscore the fact that the external environment plays an important role in determining the outcomes of rehabilitation programs. In other words, the activities that occur in the cellblocks, institutional common areas, parole offices, and communities either diminish or enhance the changes offenders make as a result of their rehabilitation programs.

The essential test for each of the Panel's recommendations is: *Is it evidence-based?* In the Panel's view, "evidence" comes from research and experience. The Panel presents recommendations based on research that represents a broad range of disciplines including rehabilitation, education, corrections administration, psychology, and organizational development. On the experience side, the Panel's recommendations include proposals that within the profession are regarded as best and promising practices and are being used by corrections agencies in other states that have faced situations and challenges similar to California's.

The target audience of this report is a mixture of policymakers in the legislative and executive branches of California government, as well as practitioners within and outside the CDCR. California's leaders will enhance the value of this report to the extent that they share it with the citizens of California, who are the true stakeholders for what happens in CDCR prisons and parole offices.

## **External Factors Preventing Programming Success**

Beginning in 1976, with the passage of California's Determinate Sentencing Act (DSL), the state began a thirty-year cycle of increasingly stringent "tough on crime" laws. In fact, during this time frame, Californians enacted 80 sentencing laws (Little Hoover Commission, 2007). These laws, like California's "Three Strikes and You're Out" ballot initiative (Proposition 184), resulted in more and more people being sentenced to state prison terms for longer periods of time. In 2005, the California Department of Corrections (CDC) changed its mission to include rehabilitation and was renamed the California Department of Corrections and Rehabilitation (CDCR). But, by that time California's external legal environment had created two significant barriers to the CDCR's internal rehabilitation efforts:

- California's prisons are dangerously overcrowded.
- California treats offenders who complete rehabilitation programs nearly the same way it treats those who do not.

### **Dangerous Overcrowding**

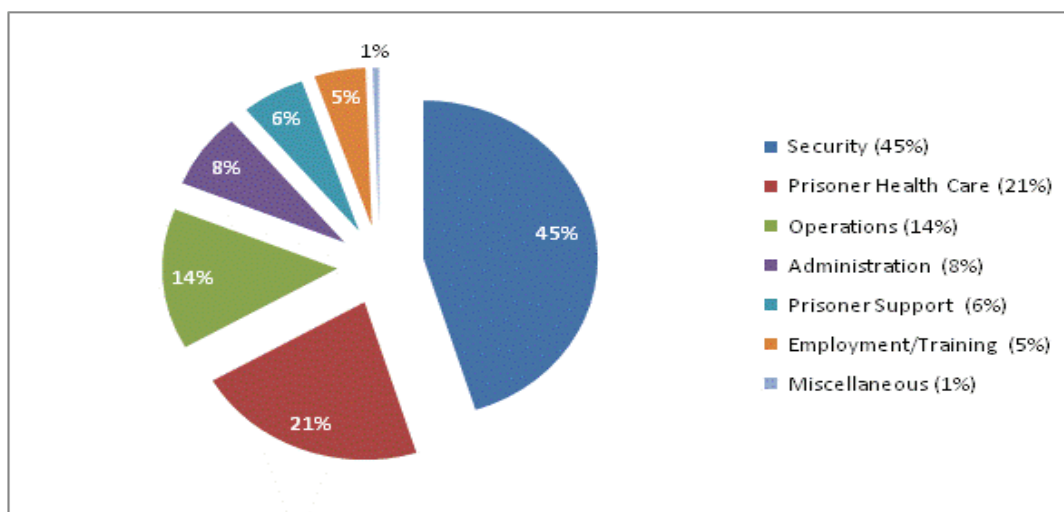
At the time of this report, the CDCR was housing 172,385 prisoners in facilities designed to hold 100,000. The CDCR was housing more than 18,000 of those prisoners in space designed for programming and other activities. The other side of the overcrowding coin is that when wardens implement security lockdowns, they usually shut down all programming in the affected areas. Not only is this disruptive to programming but, the Panel believes the number and duration of lockdowns in California prisons is excessive. (The Panel provides specific space and safety recommendations in Appendix F.) In parole offices, space is limited for programming. In some cases this requires the CDCR to offer programming in off-site facilities that are less accessible to parolees and are often crowded themselves.

### **Recommendation 1—Reduce overcrowding in its prison facilities and parole offices.**

The Panel recommends that California take the necessary measures to reduce overcrowding in its correctional facilities. Doing so will not solve California's recidivism problems, but it will give its adult offenders the ability to access much-needed rehabilitation programming, which is a "pre-condition" to success.

### **Lack of Incentives to Complete Programs**

The Panel believes that California's correctional culture is oriented more towards control and punishment, than rehabilitation. This has resulted in offenders receiving few incentives to participate in rehabilitation programming. While the Panel agrees that control and safety within prison are essential, it also recognizes that the CDCR needs to balance its custody and rehabilitation missions. Additionally, California needs to reflect this balance in its allocation of correctional resources.

*Figure A: California Annual Costs to Incarcerate a Prisoner*

Source: California Legislative Analyst's Office, January 31, 2007

Figure A shows the current imbalance in the CDCR's resource allocations. According to the latest data from the California Legislative Analyst's Office (2007), of the \$43,287 that California spends on each prisoner per year, 45% (\$19,561) is spent on "Security" concerns, while only 5% (\$2,053) is spent on programming ("Employment/Training").

The Panel believes that it is critical for California to institute a system of positive reinforcement of offender behavior that supports rehabilitation. One of the best ways to shape behavior is to provide positive rewards for people when they engage in positive activities. Other states like Pennsylvania, Washington, and Ohio have used such reinforcement systems to encourage positive behavior of offenders in their correctional systems. However, the Panel found that the CDCR does not have a system of sufficient incentives that rewards program completion for all of its programs. Thus the gains that prisoners make in their rehabilitative programming are diluted by a correctional environment that treats offenders who participate in these programs virtually the same as those who do not.

**Recommendation 2—Enact legislation to expand its system of positive reinforcements for offenders who successfully complete their rehabilitation program requirements, comply with institutional rules in prison, and fulfill their parole obligations in the community.**

The Panel recommends that California enact the necessary legislation to expand its system of positive reinforcements for program participation and good behavior for offenders in its prison and parole systems. AB 900, which was enacted in May 2007, directed the CDCR to develop incentives for offenders who complete academic and vocational education programs. The Panel believes that further legislation should be enacted that provides incentives for completing any of the evidence-based rehabilitation programs that the CDCR offers to its adult offenders.

Additionally, the Panel recommends that the CDCR implement those positive reinforcements that do not require legislation. For example: expanded visitation privileges, locating prisoners in prisons closer to their homes, providing long distance phone calls, and issuing

vouchers for the prison canteens.

## Internal Factors Preventing Programming Success

The Panel's initial review of the CDCR's adult offender program offerings, using the California Program Assessment Process (CPAP) found that while there was some good news: a few programs in a few areas were operating well; overall, California has some work to do to improve the state of rehabilitation programming in the CDCR. Table A identifies the CPAP rating elements and notes how each of the 11 rated programs performed.

Table A: Summary of CPAP Assessments on 11 Rated Recidivism Reduction Programs

	Institution Programs					Parole/Community Programs					
	FFP	IYO	Reentry Education	SAP-SATF	TCMP-MHSCP	DRC	FOTEP	ICDTP	PEP	RMSC	STAR
Assesses risk and targets high-risk	◇	◇	◇	∞	◇	◇	◇	◇	◇	◇	◇
Assesses criminogenic needs and delivers services accordingly	●	◇	◇	●	●	●	◇	●	◇	◇	●
Theoretical model clearly articulated	●	●	◇	●	●	●	●	●	●	◇	●
Has program manual and/or curriculum	●	●	●	●	●	●	●	●	●	●	●
Uses cognitive-behavioral or social learning methods	●	◇	◇	●	●	●	●	●	◇	●	●
Enhances intrinsic motivation	●	◇	◇	●	◇	●	●	●	◇	◇	●
Continuum with other programs and community support networks	●	●	◇	●	●	●	●	●	∞	●	∞
Program dosage varies by risk level	◇	◇	◇	◇	◇	◇	◇	◇	◇	◇	◇
Responsive to learning style, motivation and culture of offenders	●	●	●	●	●	●	●	●	◇	●	◇
Uses positive reinforcement	●	◇	◇	●	◇	●	●	●	◇	●	●
Staff has undergraduate degrees	◇	∞	●	◇	●	●	◇	●	◇	●	◇
Staff has experience working with offenders	●	●	●	●	?	●	●	●	●	●	●
Staff recruitment and retention strategy	●	◇	◇	●	●	●	◇	●	◇	●	●
New staff training	●	●	●	●	●	●	●	●	◇	◇	●
Program director qualifications	∞	∞	∞	∞	∞	∞	●	●	∞	∞	●
Program data collected and analyzed	●	●	∞	●	∞	∞	●	●	∞	∞	∞
Rigor of evaluation studies	◇	◇	◇	●	●	●	●	∞	◇	∞	∞
Best practices and/or expert panel recommends	◇	◇	◇	●	◇	◇	◇	◇	◇	◇	◇
Evaluation study appeared in peer-reviewed publication	◇	◇	◇	●	◇	◇	◇	◇	◇	∞	∞
Extent and consistency of evaluation results	◇	◇	◇	∞	◇	◇	●	◇	◇	◇	◇
Legend: ● Meets criteria ∞ Partially meets criteria ◇ Does not meet criteria ? No data provided											
FFP: Family Foundations Program; IYO: Incarcerated Youth Offenders; SAP-SATF: Substance Abuse Program at California Substance Abuse Treatment Facility-Yard F; TCMP-MHSCP: Transitional Case Management Program-Mental Health Services Continuum; DRC: Day Reporting Center; FOTEP: Female Offender Treatment and Employment Program; ICDTP: In-Custody Drug Treatment Program; PEP: Parolee Employment Program; RMSC: Residential Multi-Service Center; STAR: Substance Abuse Treatment and Recovery											

While the Panel is reluctant to generalize from the sample of programs it reviewed:

- the Panel found that most of the 11 programs that it reviewed contained program design elements that were in line with “what works” research for effective adult offender rehabilitation programming, and
- the Panel found that the CDCR does not match offender needs to program objectives when assigning offenders to programming.

The Panel believes that the CDCR needs to complete its program assessments and concurs with its decision to commission further research in this area.

### The Need for Objective Assessments

Assessing offender risk levels and needs is a crucial component of effective programming. Doing so allows correctional agencies to assign offenders to the programs that will most likely benefit them. But the CDCR often assigns offenders to programming on a first-come, first-served, basis. This practice virtually ensures that offenders are not getting the rehabilitation programming that they need.

**Recommendation 3—Select and utilize a risk assessment tool to assess offender risk to reoffend.**

The CDCR has been using an objective risk assessment tool with its parole population for the past two years and has recently initiated use of the same tool with its prison population. The Panel recommends that the CDCR fully utilize this tool, or a similar tool to assess risk to reoffend levels of its adult offenders.

**Recommendation 4—Determine offender rehabilitation programming based on the results of assessment tools that identify and measure criminogenic and other needs.**

The Panel recommends that the CDCR adopt and utilize a needs assessment tool that would allow the CDCR to identify which offenders should be provided with rehabilitative treatment programming and which offenders should be placed in programming designed to improve their life skills and provide them with personal growth opportunities. The Panel further recommends that the CDCR develop a risk-needs matrix to assign offenders to programming based on their risk to reoffend levels and their assessed needs.

- For high and moderate risk to reoffend level prisoners and parolees, the CDCR should assess their criminogenic needs and assign them to the appropriate rehabilitation *treatment* programs and services.
- For low risk to reoffend prisoners and parolees, the CDCR should assess their basic skills (e.g., interpersonal, academic, and educational) and assign them to the appropriate programming.

### Seven Criminogenic Needs Areas

Research has demonstrated that varied combinations of these seven criminogenic needs (dynamic risk factors) drive criminal behavior in male offenders:

1. Educational-vocational-financial deficits and achievement skills
2. Anti-social attitudes and beliefs
3. Anti-social and pro-criminal associates and isolation for pro-social others
4. Temperament and impulsiveness (weak self-control) factors
5. Familial-marital-dysfunctional relationship (lack of nurturance-caring and/or monitoring-supervision)
6. Alcohol and other drug disorders
7. Deviant sexual preferences and arousal patterns

The concept of criminogenic needs means that research shows that the offender population has a higher prevalence of these behaviors than does the general population. Therefore, the presence of these needs in a person may very well indicate a tendency toward criminal activity. The key to understanding the importance of these criminogenic needs is the fact that they represent a constellation of characteristics or circumstances. The mission, of course, is to divert the offender from adverse behaviors and to replace them with healthy alternatives.

### **Recommendation 5—Create and monitor a behavior management plan for each offender.**

The Panel recommends that the CDCR create a behavior management (or case) plan for each of its adult offenders in prison and on parole. The CDCR should actively monitor these plans to keep track of the progress that offenders are making toward achieving their rehabilitation programming objectives. Behavior management plans are critical tools to ensure that offenders are assigned to the appropriate programs based on the relative strengths of their criminogenic needs.

### **Recommendation 6—Select and deliver in prison and in the community a core set of programs that covers the six major offender programming areas—(a) Academic, Vocational, and Financial; (b) Alcohol and other Drugs; (c) Aggression, Hostility, Anger, and Violence; (d) Criminal Thinking, Behaviors, and Associations; (e) Family, Marital, and Relationships; and (f) Sex Offending.**

The Panel recommends that the CDCR select and deliver a core set of evidence-based rehabilitation programs that covers the six major offender programming areas. The effectiveness of rehabilitation services depends on the quality, quantity, and content of the programs.



*Table B: CDCR Nominated Recidivism Reduction Programs and the Six Major Programming Areas*

Six Major Offender Program Areas	# of CDCR Recidivism Reduction Programs
Academic, Vocational, and Financial	17
Alcohol and Other Drugs	12
Aggression, Hostility, Anger, and Violence	2
Criminal Thinking, Behaviors, and Associations	2
Family, Marital, and Relationships	3
Sex Offending	0

Table B shows that the CDCR currently offers a fair number of programs in the first two major programming areas, but offers relatively few programs in the last four, including no sex offending rehabilitation programs, since some sex offender programs do take place in hospital or civil commitment programs. The Panel feels that the CDCR needs to round out its program offerings and develop at least one evidence-based program for each of the program areas based on the assessed criminogenic needs of its prison and parole populations. Additionally, each of the programs offered should be standardized so that the content is consistent among prison facilities, parole offices, and community-based providers.

**Recommendation 7—Develop systems and procedures to collect and utilize programming process and outcome measures.**

The CDCR needs to develop information systems and operations procedures to ensure that it collects rehabilitation programming outcome data from each program it offers and each offender it assigns to programming. This information will allow the CDCR to determine (a) the effectiveness of the programs on participants, (b) why and how the programs are producing the results they are obtaining, and (c) how to improve the programs.

**Recommendation 8—Continue to develop and strengthen its formal partnerships with community stakeholders.**

The Panel recommends that the CDCR establish interagency steering committees at both the statewide and community levels to ensure the appropriate coordination of transition services for its adult offenders moving from prisons to their communities. For offenders to sustain the treatment gains they have achieved through their participation in CDCR programming, they require the assistance of their family members, friends, social service agencies, criminal justice professionals, and a host of other community stakeholders. This assistance also means including family members and other important support members in the offenders' actual programming.

**Recommendation 9—Modify programs and services delivered in the community (parole supervision and community based programs and services) to ensure that those services: (a) target the criminogenic needs areas of high and moderate risk offenders; (b) assist all returning offenders maintain their sobriety, locate housing, and obtain employment; and (c) identify and reduce the risk factors within specific neighborhoods and communities.**

The Panel recommends that the CDCR require all of its programs and services that are delivered in the community, including parole supervision, to capitalize on activities that will keep offenders from re-offending. Again, this is achieved by reducing their criminogenic and other needs by helping offenders avoid alcohol and other drugs, find suitable housing, and secure meaningful work. Additionally, the CDCR should assign its parole agents on a geographical basis and train them to identify and mitigate the risk factors related to the safety of places and victims within the community.

**Recommendation 10: Develop the community as a protective factor against continuing involvement in the criminal justice system for offenders reentering the community on parole and-or in other correctional statuses (e.g., probation, diversion, etc.).**

The Panel recommends that California develop a system of informal social controls in its communities that influence offenders' critical thinking, positive relationships, and healthy behaviors to reduce the likelihood that offenders will return to a life of crime.

**Recommendation 11—Develop structured guidelines to respond to technical parole violations based on risk to re-offend level of the offender and the seriousness of the violation.**

The Panel recommends that the CDCR develop and implement structured sanctions—based on the offenders' risk to reoffend and the seriousness of the violations—for offenders who violate parole conditions and incentives for offenders who do not.

### **Expected Positive Outcomes**

The Panel believes that if California implements all of its recommendations, the state may significantly reduce the large number of parolees who are currently violating their parole conditions and being returned to prison. Further, by expanding its incentive system, the state will encourage prisoners and parolees to participate in and complete programs. This could lower California's projected prison population with no major increase to the parole population.

In this report, the Panel recommends strategies that would reduce the number of prison beds that California needs by 42,000 to 48,000 beds. The result would mean an annual savings of between \$848 and \$996 million. New investments in prison and community programming should cost between \$628 million and \$652 million a year. A significant portion of these costs, or \$340 million a year, which the CDCR now spends on programs, could ultimately be used to offset these new expenditures. In total, all of these new strategies combined could save California between \$561 million and \$684 million a year. See

Appendix E for details concerning the Panel's estimates.

The Panel also believes that if California were to implement its recommendations, the state would establish an accountable and credible correctional system. The Panel believes that doing so could minimize the impact of the Federal judiciary in California's correctional operations.

## Action Plan

The Panel provides a summary of the initial steps that California and the CDCR need to take to begin moving toward practices that will reduce recidivism. The Panel provides more details and expands upon its recommendations in Part I of this report. In Appendix K, the Panel provides the plan for implementing all of its recommendations over a two-year time period.

### Pre-Conditions

- Resolve overcrowding—space and safety issues (see Part I and Appendices A and F for details).
- Expand incentives. Some states pay prisoners a nominal wage for program participation. Others tie sentence reductions to such involvement. California should adopt both of these practices to provide incentives to offenders for program participation and completion.

### Programming Environment Improvements

- Adopt a risk to reoffend assessment tool. While implementing the COMPAS assessment tool in prison and using it on parole, begin piloting a static risk assessment tool using the data already collected on offenders when they enter the CDCR. (See Appendix D for examples.)
- Adopt a criminogenic needs assessment tool. Consider adopting an instrument such as the CSS-M to measure criminal thinking/associates, the HIQ to determine anger management needs, and the static 99 to identify sex offender needs. Also look at the TCU or ASI for determining substance abuse needs. (See Appendix D for examples.)
- Begin evaluating all new admissions using the adopted risk assessment tool.
- Assess offenders whose scores indicate moderate or high risk to reoffend levels using the selected criminogenic need instruments to determine specific program needs.
- Assess offenders whose scores indicate low risk to reoffend levels using work and life skills assessments to determine specific program needs.
- Develop an assessment matrix to determine program assignment based upon offender scores on the selected risk and need instruments.
- Develop policies and procedures to implement a behavior management plan for each offender.
- Assign offenders to programming based on the combination of their risks and needs.
- Develop policies that evaluate and assess the outcomes of every program delivered.

## Programming Improvements

- Academic, Vocational and Financial. The CDCR has both academic and vocational programs which have been shown to reduce recidivism. The main need in this area is additional programming as need outweighs program availability. For a financial or money management program the CDCR should consider adopting the Federal Deposit Insurance Commission's MONEY SMART. There is no cost for this program.
- Substance Abuse. The CDCR offers a significant amount of substance abuse treatment. However, this still is not enough to address the offender need in this area. The CDCR should develop additional capacity focusing on intensive outpatient treatment programs as well as more therapeutic communities. These programs will provide treatment for those with less serious substance abuse problems at a lower cost. It will also allow for appropriate treatment based upon assessed need.
- Aggression, Hostility, Anger, and Violence. The CDCR should review the Conflict Anger Lifelong Management (CALM) program, which is in six institutions. (Appendix N provides additional information on the CALM program.) If the CDCR is satisfied with the quality and outcomes of the program, it should implement it in all of its prisons and community based facilities. Appendix D provides additional programs to consider.
- Criminal Thinking, Behavior, and Associations. The CDCR currently only offers one (1) community-based program that addresses this area. The CDCR should consider adopting the National Institute of Corrections' (NIC) "Thinking for a Change" program for its prison and parole populations. There is no cost for the program and NIC also provides complimentary staff training.
- Sex Offending. The CDCR currently offers no programming in its regular prison system for this group of offenders. The CDCR must develop programming in this area.

## Conclusion

The Panel believes that this *Report to the California State Legislature: A Roadmap for Effective Offender Programming in California*, provides guidance to improve California's adult prisoner and parolee rehabilitation programming and to reduce its recidivism rate. The public deserves and the offenders need the opportunity to receive the rehabilitation programming and services necessary to help them achieve success on parole.

In this report the Panel advocates a system of identifying needed rehabilitative programming, implementing those programs, and measuring the fidelity of their implementation and outcomes in relation to their effectiveness. The Panel believes that California will realize two important benefits from a public policy perspective: (a) the CDCR will be more transparent and accountable for a mission that is more in line with the public's expectations, and (b) a significantly larger number of the several hundreds of thousands of prisoners who enter California prisons will return to their communities more prepared to be law abiding citizens.

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## Introduction

Research shows that effective correctional programs reduce recidivism by changing offender behavior. When correctional agencies provide rehabilitation programs to the appropriate participants in a manner consistent with evidence-based programming design, offenders change. Examples of the several kinds of rehabilitation programs that reduce recidivism<sup>a</sup> include:

- In-prison “therapeutic communities” for drug-involved offenders.<sup>b</sup>
- Vocational education for prisoners and parolees.<sup>c</sup>
- Cognitive behavioral treatment in prison and in the community.<sup>d</sup>
- Intensive community supervision programs that emphasize the delivery of rehabilitation treatment services, not just surveillance.<sup>e</sup>

Based on the reduced recidivism that offenders experience with these programs, other states, including Kansas, Michigan, Ohio, Oregon, Pennsylvania, and Washington, offer a full menu of rehabilitation programs and services to their offender populations.<sup>f</sup>

But California does not. Although the state spends hundreds of millions of dollars on adult offender programming, it does not offer its offenders a **full menu** of rehabilitative programs targeted toward reducing their recidivism. Perhaps this is why California’s adult offender recidivism rate is one of the highest in the nation (Fisher, 2005).

We believe that there are several factors that contribute to the state’s rehabilitation programming problems. Some of these factors have to do with the nature of the programs themselves, while others have to do with aspects external to the programming environment.

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a Aos, Miller, & Drake (2006); Petersilia (2005); MacKenzie (2006); and Friedman, Taxman, & Henderson (2007).

b Inciardi, Martin, & Butzin (2004); Harrison & Martin (2001); Taxman & Bouffard (2000); Martin, Butzin, Saum, & Inciardi, (1999); Simpson, Wexler, & Inciardi (1999a), (1999b); Inciardi, Martin, Butzin, Hooper, & Harrison (1997).

c Gerber & Fritsch (1994).

d Andrews, Zinger, Hoge, Bonta, Gendreau, & Cullen (1990); Andrews & Bonta (1998); Lipsey & Wilson (1993); Landenberger & Lipsey (2005); National Institute on Drug Abuse (NIDA) (2006); NIDA (1999); Simpson, Joe, & Broome (2002).

e Petersilia & Turner (1993a); (1993b); Taxman (2002); Marlowe (2003); Thanner & Taxman (2003).

f Werholtz (2007); Schrantz (2007).

### A Summary of Our Findings

- **The state of overcrowding in CDCR prison facilities makes it difficult for offenders to access rehabilitation programs.** Because it does not have enough room to house its offenders, the CDCR uses previously intended program space as living space for prisoners. Additionally, frequent lockdowns cause program cancellations.
- **The CDCR treats offenders who successfully complete rehabilitation programs and positively manage their behaviors in roughly the same manner as those who do not.** The CDCR does not have sufficient positive reinforcements for offenders who successfully complete rehabilitation programming and who comply with prison rules and parole conditions.
- **The CDCR does not assign offenders to programs based on risk-needs assessments.** In most cases, the CDCR assigns offenders to rehabilitation programs on a first-come, first-served basis. The CDCR is currently piloting a risk-needs assessment tool with its prison population. The CDCR does use a risk-needs assessment tool with its parole population, and is currently in the process of validating the instrument.
- **The CDCR does not have automated behavior management (case) plans for each of its offenders.** Because it does not use risk-needs assessments to assign offenders to programs, the CDCR also has not developed an integrated behavior management plan for each of its offenders. Additionally, because the CDCR lacks an adequate technology infrastructure, even if it were to create case plans for each of its offenders, it would not be able to share the information between institutions and divisions in an automated fashion.
- **The CDCR does not offer a sufficient quantity of evidence-based rehabilitation programs designed to reduce recidivism to its adult offenders.** The CDCR does not offer a core set of rehabilitation programs to its adult offenders. The CDCR does offer a large amount of programs and activities to its adult offenders, but not enough of these are evidence-based rehabilitation programs.
- **The CDCR does not always measure the quality or effectiveness of its adult offender programs.** The CDCR does not always measure program outcomes. Additionally because it does not assess risks and needs for all incoming prisoners or exiting parolees it cannot measure program effectiveness in reducing recidivism.
- **The CDCR has begun to focus on offender reentry issues and initiatives, but it needs to expand those efforts.** The CDCR has recently created a \$54 million dollar focus on reentry initiatives. The CDCR needs to expand this focus to include fortifying informal community support structures and increasing the role that family members and other support structure members play in offender programming.
- **The CDCR does not have a graduated parole sanctions policy to provide community-based alternatives to incarceration for parolees who violate their parole conditions.** California laws constrain the CDCR to incarcerate parole violators who may be better served by community-based sanctions. CDCR parole agents do not have structured guidance as to how to deal with parole violators.

## California's Historical Perspective

The complexity of California's correctional problems mean that solving them will not be easy. Others have tried in California and met with mixed results. Since 1990, more than a dozen commissions and other groups have proposed solutions to the problems in California's adult correctional system.<sup>g</sup> Yet the problems persist. To understand why, it is helpful to examine certain aspects of California's recent correctional history. Figure 1 shows the record of California's recidivism rates from 1977 through 2004. In this figure, one can see that California's recidivism rates (measured as offenders returned-to-prison) have risen steadily since the late 70s.

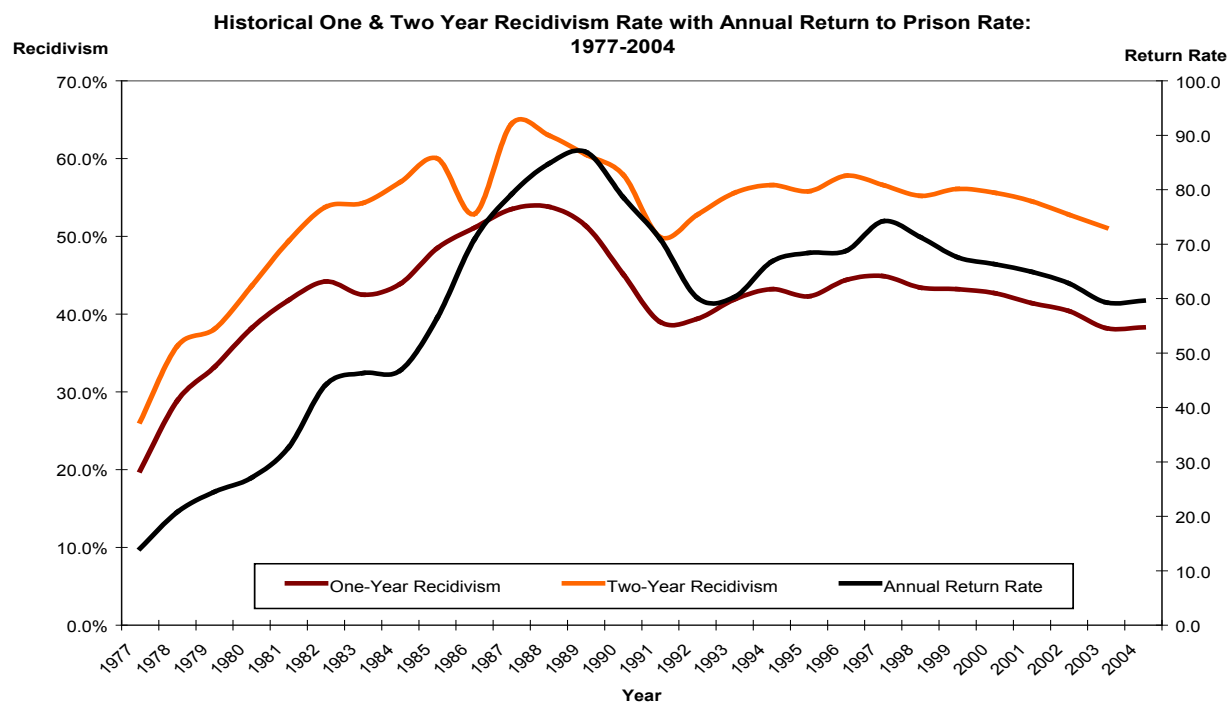


Figure 1: California Department of Corrections Historical Recidivism Rates, 1977-2004<sup>h</sup>

What does this mean? What has caused this dramatic increase in California's recidivism rate? To answer those questions, we first need to define what we mean by the term "recidivism rate." Recidivism rates are typically measured by tracking the activities of a group ("cohort") of prisoners who were released in a given period for several years after their releases. Traditionally, recidivism rates are based on three-year tracking periods. During these tracking periods if an offender is returned to correctional custody for any reason, he or she is considered to have recidivated. Returning to correctional custody includes (a) being sent back to state prison for violating a parole condition and (b) being arrested for a new crime and being sentenced to a new term in state prison. The recidivism rates in Figure 1 include both of these circumstances. For our purposes, we view offenders who have been returned to prison for parole violations differently than offenders returning to prison because they committed new crimes.

<sup>g</sup> See Appendix A.

<sup>h</sup> The recidivism rate shown in this chart is based on "first releases to parole." This means that the cohort consists of prisoners who were experiencing their first release to parole and does not include parole violators who were being re-released. Excluding parole violators decreases the overall return-to-prison rate.



We believe that most accurate measure of recidivism is defined is ex-offenders being returned to state prison because they have been convicted of committing new crimes. As we will discuss later in the report, we believe that offenders who violate parole or probation conditions should be considered or treated differently than those who commit new crimes.

Having defined recidivism both in terms of how it has been measured in Figure 1, and how we believe it should be measured, ***we believe that the greatest contributor to California's high adult offender recidivism rate has been California's shifting public sentiment.*** California's voting public and lawmakers have been chiefly responsible for creating the correctional crisis that California is now experiencing.

This is not to excuse the offenders. These men and women have been found guilty of violating the laws of the state. They have been convicted of offenses ranging from burglary to drug possession to homicide. They have destroyed the lives of many of their victims, their victims' families, their own families, and, of course, themselves. They are responsible for their actions and the consequences of those actions. While offenders must be held accountable for their actions, they are not responsible for determining the consequences of those actions. The state correctional system is. And the state correctional system is a political construct, meaning that ultimately California's citizens determine the consequences of crime in the state. They also determine, through the political process, what resources the state will spend in dealing with the consequences of crime.

In the late 1970s, California began to "get tough on crime," which led to the passage of its current Determinate Sentencing Act (DSL) in 1976. This law eliminated much of the discretion in sentencing and has led to more offenders being locked up for longer periods of time. Continuing in the get tough on crime theme, in 1994, Californians approved the "Three Strikes and You're Out" ballot initiative (Proposition 184), which changed the law so that offenders convicted of three felonies would effectually be sentenced to life imprisonment, resulting in more offenders being locked up for longer periods of time. In fact, between the passage of the DSL in 1976 and 2007, California has passed 80 additional laws resulting in "tougher" sentences (Little Hoover Commission, 2007). These laws have led to more offenders being locked up for longer periods of time.

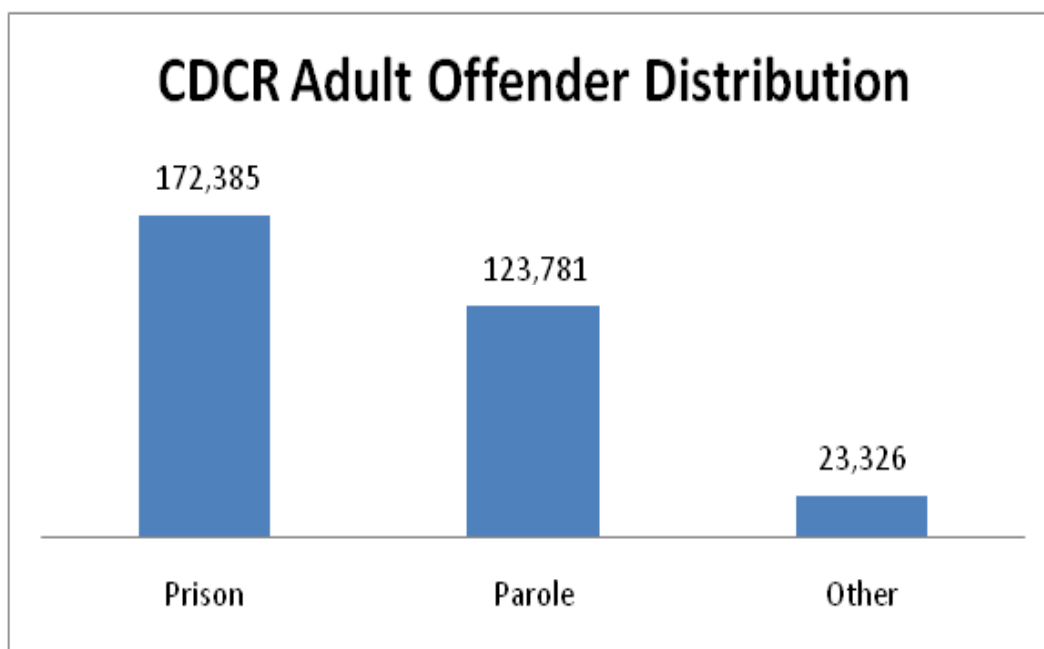
### **California's Determinate Sentencing Act (DSL)**

Perhaps one of the most significant long-term causes of California's explosive growth in its prison population was the passage of California's Determinate Sentencing Act (DSL) in 1976, whereby offenders sentenced to state prison would receive a set term from the judge and would not be subject to release by a parole board. As a result of this change, prisoners were no longer provided with incentives to manage their behaviors and complete their rehabilitation programs to earn earlier releases. Instead they were required to serve their entire sentences, minus any time they received as credit for participation in work incentive programs. This change in law was intended to address the ineffective prison rehabilitation programs and claims of disparate treatment lodged by some of California's prisoners. But after several decades of experience under this law, the evidence shows that the DSL has not achieved its desired effect, as sentencing patterns show great variation by county and even courtroom (Little Hoover Commission, 2007). No longer able to earn early releases from a parole board for good behavior, offenders stopped managing their behavior positively, which led to increased incidences of violence in prisons, which led to an increased number of lockdowns, which led to less access to rehabilitation programming for prisoners. Additionally, as offenders were no longer eligible to earn early release credits for participation in rehabilitation programs, they stopped attending them. As offenders stopped attending programs and California's budget priorities changed, California's elected officials began cutting funding for rehabilitations in prisons.



California's correctional agency responded to the public's get tough on crime sentiment (and their lawmaker's directions) by building more and larger prisons to "warehouse" the ever increasing numbers of offenders being sentenced under California's tougher crime laws. As Figure 2 shows, the CDCR is currently responsible for providing services to 319,492 adult offenders in its prison and parole systems—172,385 (54%) are located in the CDCR prisons, 123,781 (39%) are on parole supervision, and 23,326 (7%) are in other populations, including non-CDCR facilities or programs (e.g., Federal prison or jail).

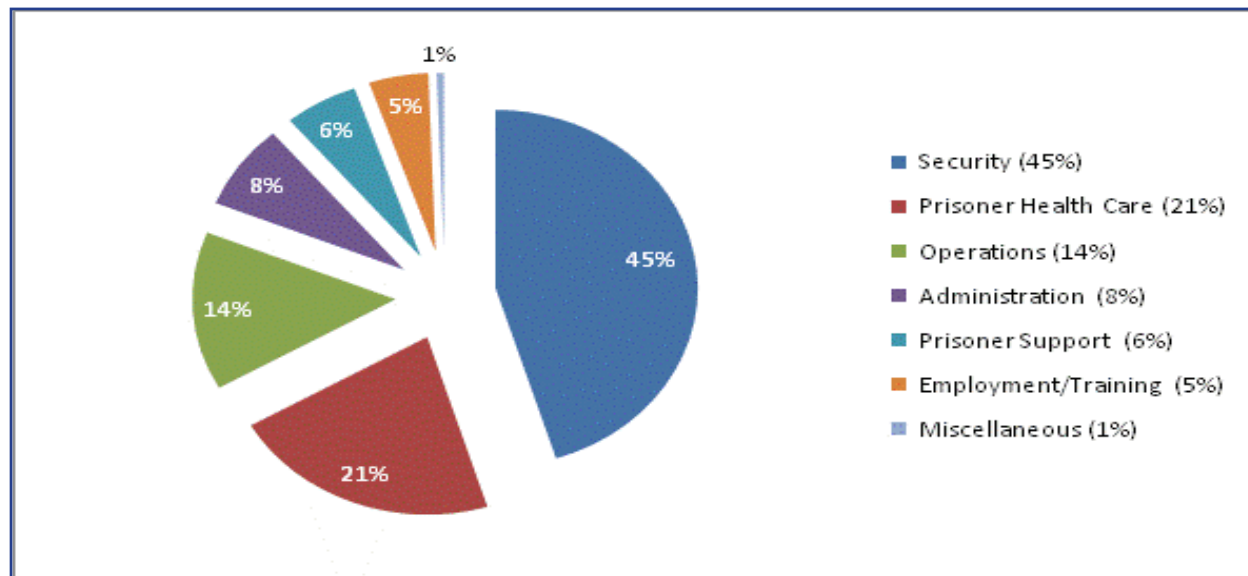
*Figure 2: California's Adult Offender Population*



Source: CDCR (Weekly Population Report, April 23, 2007)

Californians got tough on crime and more and more offenders went to prison. During this time period, the public spent more on incarcerating offenders and less on rehabilitating them. As Figure 3, shows, the percentage of money spent on rehabilitation programming ("Employment/Training") for prisoners is 5%, compared to the 45% that is spent on "Security."

Figure 3: California Annual Costs to Incarcerate a Prisoner



Source: California Legislative Analyst's Office, January 31, 2007

## Putting the "R" into CDC-R

Research shows that public sentiment is now moving in a different direction. The voting public is clearly in favor of a move away from the "punishment only" model that dominated California sentencing and corrections policies for more than a generation. For example, a poll commissioned by the National Council on Crime and Delinquency (NCCD) and conducted by the Field Research Corporation found that most Californians (63%) favored using state funds to rehabilitate non-violent offenders both during their incarceration periods and after they were released (Krisberg, Craine, and Marchionna, 2004). By contrast, only 8% of those surveyed preferred a system based solely on punishing offenders. A clear majority (59%) felt that the experience of prisons increased recidivism and 67% believed that the lack of appropriate life skills is the major factor in the continued criminal behavior of parolees. A more recent national poll by NCCD and Zogby International found results similar to those from the California survey (Krisberg and Marchionna, 2006). A national sample of likely voters felt that it is very important to provide prisoner reentry programs that emphasized job training (81%), drug treatment (79%), mental health services (70%), and access to affordable housing (59%).

In both polls, the public expressed interest in *expanding* rehabilitation programming for offenders. Citizens now believe that rehabilitation programs for offenders can make communities safer and will cost less in the long term.

In response to the change in public sentiment and shifting legislative priorities, in 2005, California changed the name of its correctional agency from the California Department of Corrections (CDC) to the California Department of Corrections and Rehabilitation (CDCR). Along with the new name came a new mission statement: *"To improve public safety through evidence-based crime prevention and recidivism reduction strategies."*

At long last, it appeared that California was back in the business of providing rehabilitation programming to its adult offenders. But, as Table 1 shows, nearly 50% of all California prisoners, who were released in 2006, were not assigned to **any** rehabilitation program, which might improve their behaviors, or **any** job assignments, which might improve their life skills, during their most recent prison sentences.

*Table 1: Number of Program and-or Job Assignments for 2006 Releases*

# of Assignments	% of Offenders
0	49.3
1	21.5
2	16.3
3	8.2
4	3.5
5+	1.1
Source: CDCR	

Table 1 illustrates that despite the change in public sentiment and despite the new mission of the CDCR; almost half of adult prisoners in the California state prison system were completely *idle* during their latest prison incarcerations.

## The Panel and Its Report

In response to the public's desire for offenders to be rehabilitated, the Governor, the Legislature, and the Judiciary have called for improvements in the quantity and quality of rehabilitation programs available to California's adult offenders. This will require doing things differently in *all* areas where adult offenders are concerned—the CDCR, the Legislature, the Judiciary, Law Enforcement, and the Community. It will also require a correctional climate change—from primarily custodial only to a more balanced perspective that incorporates "rehabilitation" into its mission.

In November 2004, the CDCR developed a two-phase strategic plan to reform the agency. Phase 1, which was completed in July 2005, consisted of a major restructuring of the entire agency, including the integration of the former California Youth Authority into the CDCR. Phase 2, which is currently in process, includes providing greater staff training, continuing to seek out community partnerships, and using evidence-based measures and national standards to evaluate the relative strengths or weakness of specific programs.

The CDCR created the Expert Panel on Adult Offender Reentry and Recidivism Reduction (the Panel) to assist with the phase 2 initiatives, specifically to:

1. Review the current programs being offered by the CDCR to its adult offenders and comment on their effectiveness for reducing recidivism, and
2. Make recommendations as to how the CDCR could improve its program offerings, *as well as the organizational culture and environment of the system in which they operate*, to better reduce California's adult offender recidivism rate.

The Panel was established by the CDCR under the legislative authorization found in the Budget Act of 2006-2007, and is composed of nationally recognized experts in the field of corrections and includes experienced correctional agency administrators and leading academic researchers.

The Panel created two sub-committees: the *Program Review Sub-Committee*—to review the current program offerings, and the *Model Program Sub-Committee*—to provide

recommendations on improving the current program offerings and the system in which these programs would operate. Our *Report to the California State Legislature: A Roadmap for Effective Offender Programming in California*, is made up of two parts:

- **Part I: The Roadmap**, begins with a discussion of the barriers that must be dealt with, e.g., overcrowding and the prevalent “custodial” culture. It then provides several recommendations for improving the quality and quantity of the programs being offered to California state prisoners and parolees, as well as the measures that need to be taken to improve the system in which these programs operate.
- **Part II: The Program Reviews**, provides our high-level review of 11 of the 34 programs that the CDCR believes are designed to rehabilitate offenders and reduce recidivism. This section begins with a baseline inventory of all adult offender programs that the CDCR is currently operating and concludes with a review of 11 specific CDCR-nominated recidivism reduction (or rehabilitation) programs.

In the Roadmap, we present recommendations based on research that represents a broad range of disciplines including rehabilitation, education, corrections, and organizational development. We also include proposals that within the profession are regarded as best practices and are being used by corrections agencies in other states that have faced situations and challenges similar to California’s.

In the Program Reviews, we used the California Program Assessment Process (CPAP)<sup>i</sup> to rate the 11 programs against scales that measured whether or not they possessed the elements that would indicate the *likelihood* of their being able to reduce recidivism.

We believe this report reflects the best of current correctional thinking and practice.

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<sup>i</sup> In 2005, Dr. Ryken Grattet, Professor of Sociology at the University of California, Davis, who served during 2005-06, as acting Assistant Secretary, Office of Research, CDCR, Jesse Jannetta, M.P.P., and Dr. Jeff Lin, researchers from the University of California, Irvine’s Center for Evidence-Based Corrections developed the CPAP.